IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NOs : 22980 and 22982 of 2004

W.P.No. 22980 of 2004

Between:

R.Gangamma W/o.Shankar Naike
Shop No.1 Burugula Village, Peapully Mandal,
Kurnool Dist.

..... PETITIONER

AND

1 The Joint Collector
Kurnool Dist.
2 The Revenue Divisional Officer
Kurnool Dist.
3 The Mandal Revenue Officer
Peapully Mandal, Kurnool Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in proceedings Rc.B.746/2004 dt 4-11-2004 as illegal, arbitrary, malafide against the provisions of control order 2001 and consequently direct the respondents to restore the authorisation of the petitioner by suspending impugned proceedings pending the appeal before the 1st Respondent.

Counsel for the Petitioner: MR.K.V.RAGHU VEER

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

WRIT PETITION NO : 22982 of 2004

Between:

H.P.K. Ramudu, S/o. Kambanna,
Burugula Village, Peapully Mandal, Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Kurnool District.
3 The Mnadal Revenue Officer, Peapully Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in proceedings Rc.B.746/2004 dt. 4-11-2004 as illegal, arbitrary, malafide against the provisions of Control Order 2001 and consequently direct the respondents to restore the authorisation of the petitioner by suspending impugned proceedings pending the appeal before the 1st Respondent.

Counsel for the Petitioner: MR.K.V.RAGHU VEER

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following

COMMON ORDER:

Petitioners are dealers of fair price shops of Burugula village, Peapully mandal, Kurnool district. Their authorizations were suspended by the second respondent through separate orders dated 04.11.2004. They filed appeals together with applications for grant of stay before the first respondent. They complain that no orders have been passed by the first respondent either in the appeals or on the applications for grant of stay. The first respondent is said to have rejected the applications for grant of stay. Hence, the writ petition.

Heard learned counsel for the petitioners and learned Government Pleader for Civil Supplies.

The second respondent had stated extensive reasons for resorting to suspension of the authorizations of the petitioners. Not only the relevant facts are stated, together with respective quantities of the essential commodities said to have been misused by the petitioners, but the numbers and particulars

of the cardholders were also furnished. The first respondent would be in a better position to appreciate the legality of the order of suspension after he peruses the relevant record. Having regard to the facts and circumstances of the case, this Court is of the view that no illegality can be said to have been committed in rejection of the applications for grant of stay.

Hence, the writ petition is disposed of directing the first respondent to dispose of the appeals preferred by the petitioners, as early as possible, and not later than six week from the date of receipt of a copy of this order. No order as to costs.

10.12.2004

ksld

To

1 The Joint Collector
Kurnool Dist.
2 The Revenue Divisional Officer
Kurnool Dist.
3 The Mandal Revenue Officer
Peapully Mandal, Kurnool Dist.

4 Two CCs. to the G.P. for Civil Supplies, High Court of A.P.,

Hyderabad (OUT)

5 Two CD copies.